IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.T.R.No. 5 of 2003
Date of decision: 9.11.2006

Commissioner of Income Tax, Ludhiana **Applicant**
through
Mr. S. K.Garg Narwana, Advocate

v.

M/s Laxmi Spinners Ludhiana **Respondent**
through
Nemo

CORAM:

Hon'ble Mr.Justice Ajay Kumar Mittal
Hon'ble Mr.Justice Rajesh Bindal

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Rajesh Bindal, J.

Following question of law has been referred for opinion of this Court by the Income Tax Appellate Tribunal, Chandigarh Bench `B' (for short, `the Tribunal'), arising out of its order dated 4.2.1997 in I.T.A. No. 1421/Chandi/92, in respect of assessment year 1990-91:

> "Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in holding that for the purpose of calculating book profit under Section 115J depreciation is to be allowed as per provisions of the Income Tax Act, 1961 instead of depreciation as allowable under the provisions of the Companies Act ?"

At the very out-set, learned counsel for the Revenue stated that the question of law, referred to this Court, has already been decided in favour of the assessee and against the revenue by the judgment of this Court in I.T.R. No.100 of 1999 – The Commissioner of Income Tax, Ludhiana v. M/s Sona Woollen Mills (P) Limited, Ludhiana, decided on 28.10.2006, relying upon the judgment of Hon'ble the Supreme Court in Appollo Tyres Limited v. Commissioner of Income

Tax, (2002) 255 ITR 273. Accordingly, the question is answered in favour of the assessee and against the Revenue.

The reference is disposed of in the manner indicated above.

(Rajesh Bindal)
Judge

(Ajay Kumar Mittal)
Judge

9.11.2006
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